

10/771,720

REMARKS

The Applicant has amended claim 30 and canceled the remaining claims 11, 12 and 14-29. The Applicant maintains the objections to the Examiner's combination of references for the reasons as cited in the previously submitted official office action. However, for the purposes of brevity in the case of the after final action, such objections to the combination are incorporated herein only by reference.

In order to reduce the issues in this case, the Applicant has cancelled all but claim 30 and notes that the specific elements of the presently claimed pump impeller wheel are now recited in claim 31 specifically as "the cams are *integrally* arranged on the axial end of the flange parallel to a rotation axis of the torque converter". The Applicant notes that, as shown at least in FIG.1, the cams 12 of the Applicant's invention are an integral part of the axial extension or flange 11 of the pump impeller.

First and foremost, this structure of these cams being integral with the pump impeller is not disclosed, shown, taught or suggested in any manner by the cited references either alone or in combination. In fact, as previously noted, such an axial extension of the pump impeller wheel as in the Applicant's invention is taught specifically away from Olson et al. H964. Explaining the difference of their invention from the prior art is discussed at column 1, lines 50-60. Olson et al. H964 states

. . .it is undesirable to add a tubular extension to the body of the impeller element in order to obtain a more accessible external speed pick-up point, because it would add unnecessary size and cost to the drive line.

Accordingly, what is desired is a rugged speed sensor apparatus for measuring the rotational speed and the direction of rotation of a relatively entrenched or inaccessible element of a mechanism such as a hydrodynamic torque converter without increasing the physical size thereof.

Further, at column 2, lines 42-45, Olsen et al. H964 continues to teach away from the presently claimed invention explaining with regards to bladed impeller element that, ". . .instant speed sensor apparatus does not require tubular extensions or external teeth on the rotating

2/9/06 2:31 PM

10/771,720

element to be measured. . .". The Applicant notes that the cams, as recited in the Applicant's present invention are the very structure which Olsen eschews. The Applicant's cams are the same structure as the same as the teeth taught away from in the Olson et al. H964 reference. As the Examiner is undoubtedly aware, just like tubular teeth, a cam is merely a cylinder or a particular shape having an irregular surface so as to impose an effect on an adjacent element. Therefore, the Applicant particularly believes that the Applicant's specifically claimed cams and extension which are integral with the pump impeller wheel are not only taught, disclosed or suggested, but, in fact, taught specifically away from by Olson et al. 'H964.

Thus, even if the combination of Olsen et al. H964 with Hayakawa et al. '269 is a valid combination, the combination would merely teach ". . . a ring magnet 134 connected to rotate with the impeller element 30. . .". Obviously, from a structural standpoint, and as seen in Fig. 2 of Olsen et al. H964, the ring magnet 134 cannot be integral with the pump impeller 30. Thus, it is the Applicant's contention that such a separately connected speed sensor apparatus as disclosed by the combined references which in fact specifically teaches away from the Applicant's claimed structure wherein ". . . the cams are *integrally* arranged on the axial end of the flange parallel to a rotation axis of the torque converter". Therefore, the applied references do not disclose, teach or suggest, either alone or in combination, the specific features of the presently claimed invention.

The Applicant believes that the amendment of claim 30 to include the term "integral" is a relatively minor clarification of the cam structure and therefore no further search or consideration is believed necessary as such structure would have been inherently or expressly covered in the Examiner's initial search. If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised obviousness rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of

2/6/06 4:53 PM

- 4 -

10/771,720

the Olson et al. H964, and Hayakawa et al. '269, references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Scott A. Daniels, Reg. No. 42,462
Customer No. 020210
Davis & Bujold, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester NH 03101-1151
Telephone 603-624-9220
Facsimile 603-624-9229
E-mail: patent@davisandbujold.com

2/6/06 4:03 PM

- 5 -